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*In conjunction with*

*The Cyberspace Law Committee of the Business Law Section of  
The State Bar of California*

*Presents*

*An Advanced Two-Day Conference On*

# Recent Developments in Internet Selling & Advertising

October 6 & 7, 2005

San Francisco, California

Starts 8:30 a.m., Holiday Inn Golden Gateway, 1500 Van Ness Ave.

**Credits:** CA MCLE 13.5 | Call about others

## Internet Selling & Advertising Conference

October 6 & 7, 2005 | San Francisco, California

Holiday Inn Golden Gateway

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- 8:00** Registration and Continental Breakfast
- 8:30** Introduction & Overview  
**Françoise Gilbert, Esq., *Program Co-Chair***  
 IT Law Group ~ Palo Alto, CA  
**Rudy Guyon, Esq., *Program Co-Chair***  
 Senior Corporate Counsel  
 Fujitsu America, Inc. ~ Sunnyvale, CA
- 8:45** Recent Developments in Foundational Structures for Business on the Internet  
 E-Contracting: Formation, enforceability, adhesion contracts, click wrap agreements and E-Sign; establishing a place of business: domain names and litigation, ICANN, new player/rules; lotteries, contests/promotions; advertising and unfair competition laws  
**Daniel L. Appelman, Esq.**  
 Heller Ehrman White & McAuliffe LLP ~ Menlo Park, CA  
**Katherine C. Spelman, Esq.**  
 Cobalt LLP ~ Berkeley, CA
- 10:00** Break
- 10:15** Key Current Issues in Access to Customers and Consumer Privacy  
 Protection for Children: COPPA coverage; recent developments; enforcement by FTC and States attorney general; status of the FTC sliding scale guidelines and regulations  
**Andrew B. Serwin, Esq.**  
 Foley & Lardner LLP ~ San Diego, CA  
 Enforcement of Privacy Promises: FTC and State Attorney General actions; lessons learned from recent cases  
**Paul E. Ambrosio, Manager, Business & Legal Affairs**  
 BT Infonet ~ El Segundo, CA  
 New directions in state policies: An in-depth look at California's SB 27 requiring disclosure of release of consumer information; enforcement priorities and mechanisms  
**Joanne McNabb, Chief**  
 California Office of Privacy Protection ~ Sacramento, CA  
 Data protection issues for International transactions: new EU Model Clauses, Code of Conduct and other recent developments.  
**Françoise Gilbert, Esq., *Program Co-Chair***  
 IT Law Group ~ Palo Alto, CA

- 12:15** Lunch (on your own)
- 1:15** The Evolving Role of Federal and State Agencies in Online Advertising  
 FTC Guidelines: Agency interpretation of Section 5 of the FTC Act; enforcement mechanisms and priorities  
**Lisa Rosenthal, Esq.**  
 Federal Trade Commission ~ San Francisco, CA  
 State Enforcement Actions: Actions by State Attorneys General under Baby FTC Acts; new class action risks; key recent enforcement actions  
**Val D. Hornstein, Esq.**  
 Hornstein Law Offices, Professional Corporation  
 San Francisco, CA
- 2:45** Managing Information Security Risks in E-Commerce: An Inherently Risky Business  
 Information Security: Breach of security law; effect of Choice Point and other break-ins on e-commerce; insurance  
**Emily Q. Freeman, ARM, AU**  
 JLTRisk Solutions Limited ~ London, UK
- 3:15** Break
- 3:30** SPAM Compliance Issues  
 CAN SPAM Act: Applicability; recent decisions; FTC regulations and actions; other cases; relationship between the CAN SPAM Act and state anti-spam laws  
**Joel Riff, Esq.**  
 GCA Law Partners LLP ~ Mountain View, CA  
 Wireless devices as a new frontier: FCC regulations for text messages to wireless devices  
**Suzanne Toller, Esq.**  
 Davis Wright Tremaine LLP ~ San Francisco, CA  
 Corporate compliance: Tips for compliance with the CAN SPAM Act; corporate models, and effective company SPAM policies  
**Donald A. Cohn, Esq., Corporate Counsel**  
 E. I. DuPont de Nemours and Company ~ Wilmington, DE  
**Rudy Guyon, Esq., *Program Co-Chair***  
 Senior Corporate Counsel  
 Fujitsu America, Inc. ~ Sunnyvale, CA
- 5:30** Adjourn



## About the Conference

### LAW SEMINARS INTERNATIONAL

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*"Most companies nowadays market on the Internet. The applicable laws are new and changing rapidly, as are business models and technologies. This conference will enlighten attorneys and business executives about the developing trends and provide insight into the corresponding new legal issues companies need to address to lower risk and deftly advertise and sell on the Internet."*

~Program Co-Chairs: **Françoise Gilbert, Esq.** and **Rudy Guyon, Esq.**



- 8:00 Registration and Continental Breakfast**
- 8:30 Spyware, Malware and Other Technologies Out of the Cookie Jar**  
Anti Spyware legal and policy developments; implications of intrusive technologies from cookies and web beacons to tracking technologies, spyware and key loggers; legislative initiatives; enforcement trends and pending cases  
**Robert V. Hale, II, Esq., Vice President**  
Providian Financial Corporation ~ San Francisco, CA
- 9:00 Spoofing, Phishing and Identity Theft: Tips for Avoiding Accidental Involvement with Theft and Fraud**  
The identity theft and computer fraud crisis: Current trends and strategies to guard against; regulatory and legislative developments; liability issues  
**Maureen A. Young, Esq.**  
Bingham McCutchen LLP ~ San Francisco, CA
- 9:45 Patent Issues: Status and Recent Trends for Business Method Patents**  
Are business method patents worth the expense? Are they being enforced? How do they stand in court? Recent developments in European Union  
**Barry N. Young, Esq.**  
Law Offices of Barry N. Young ~ Palo Alto, CA
- 10:15 Break**
- 10:30 Trademark Issues: Are Keyword-Triggered Advertising Strategies A New Battlefield for Trademark Litigation?**  
Recent developments in keyword-triggered advertising: A discussion of trademark law as it relates to keyword-triggered advertising, including notable cases about both pop-up ads and cost-per-click sponsored link text ads.  
**Michael S. Kwun, Esq., Litigation Counsel**  
Google, Inc. ~ Mountain View, CA
- 11:15 Copyright Issues: New Developments and Lessons from Recent Litigation**  
The latest case law and trends, practice tips - including peer to peer file sharing, secondary liability after MGM v Grokster, how immunity for service providers may affect your clients, visual search engine practices, and reverse engineering of software  
**Ian C. Ballon, Esq.**  
Manatt, Phelps & Phillips, LLP  
Los Angeles and Palo Alto, CA

- 12:00 Lunch (on your own)**
- 1:15 The Inherently Global Nature of the Internet**  
Selling to the Foreign Customer: The European Directives on Distance Selling and Ecommerce; consumer protection; anti spam legislation in Europe; US concepts that do not transport to Europe; analysis of French judgement against AOL  
**Mark Webber, Esq.**  
Osborne Clarke ~ Thames Valley, UK
- International Considerations for all Business Arising From the Inherently Global Nature of the Internet**  
Jurisdictional issues: Where can you enforce online contracts and economic rights? Is your website subject to foreign or out-of-state laws and jurisdiction? French Yahoo! and other foreign cases affecting business, and practical measures to avoid problems  
**Denis T. Rice, Esq.**  
Howard Rice Nemerovski Canady Falk & Rabkin, PC  
San Francisco, CA
- 2:45 Break**
- 3:00 Corporate Leaders Round Table - Opportunities and Headaches**  
What are the major issues affecting Internet business? What are their compliance strategies? An interactive panel discusses the concerns and daily problems of Internet based business  
**Rudy Guyon, Esq., Program Co-Chair, Moderator**  
Fujitsu America, Inc. ~ Sunnyvale, CA  
**Michelle Denedy, Esq., Chief Privacy Officer**  
Sun Microsystems, Inc. ~ Santa Clara, CA  
**Teresa M. Derichswiler, Esq., Assistant General Counsel**  
CNET Networks, Inc. ~ San Francisco, CA  
**Tess Koleczek, Esq., Chief Privacy Officer**  
E-LOAN, Inc. ~ Pleasanton, CA  
**Sue Krenek, Esq., Director of Business & Legal Affairs**  
PC World Communications, Inc. ~ San Francisco, CA  
**Matthew MacPhail, Esq., Corporate Counsel**  
Yahoo! Inc. ~ Sunnyvale, CA
- 4:30 Adjourn**



## Registration &amp; Other Conference Information

**To Register:**

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time. We will refund tuition, less a \$50 cancellation fee, if we receive your cancellation by 5:00 p.m. on Friday, September 30, 2005. After that time, we will credit your tuition toward attendance at another program or the purchase of a homestudy. There is a \$25 cancellation fee for Course Materials orders and \$50 for Homestudy orders.

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**Conference Location:** The conference will be held at the Holiday Inn Golden Gateway at 1500 Van Ness Avenue in San Francisco, CA 94109. Call the hotel directly at (415) 441-4000 for reservations at the special negotiated rate of \$129 and mention that you are attending a Law Seminars International conference. Rooms are on a first come, first served basis.

**If You Cannot Attend:** Our complete Homestudy Course, consisting of a VHS or DVD recording and the written course materials, is available for \$1005. The written course materials alone are available for \$100. We will ship your order via UPS ground within two weeks after the seminar or the date we receive payment (whichever is later).

## Faculty: Internet Selling & Advertising Conference

**Françoise Gilbert**, *Program Co-Chair*, is the founder and managing director of the IT Law Group. She has over 21 years experience negotiating high tech deals. A recognized expert on information privacy and security, she advises companies on high stakes transactions, outsourcing or strategic relationships.

**Rudy Guyon**, *Program Co-Chair*, is Senior Corporate Counsel of Fujitsu America, Inc. He advises various affiliates of this leading Japanese information technology company on diverse legal issues including privacy, complex domestic and international transactions, and intellectual property.

**Paul E. Ambrosio** manages business and legal affairs at BT Infonet. He negotiates telecommunications equipment, network capacity, managed service, technology resale and software licensing agreements.

**Daniel L. Appelman** is a member of Heller Ehrman White & McAuliffe LLP. His practice focuses on complex technology-related transactions and strategic alliances. He currently serves as chair of the State Bar of California's Cyberspace Law Committee.

**Ian C. Ballon**, a partner with Manatt, Phelps & Phillips, LLP, was named one of the top 25 intellectual property lawyers in California in 2003. He is the Executive Director of Stanford University's Center for E-Commerce and an advisor to the American Law Institute's International Jurisdiction project.

**Donald A. Cohn** is a Corporate Counsel in the E. I. DuPont de Nemours and Company Legal Department where he is currently lead DuPont counsel for their practice groups and functions dealing with online business and privacy.

**Michelle Dennedy** is the Chief Privacy Office for Sun Microsystems, Inc. She is responsible for continuing to develop and implement Sun's data privacy policies and practices, working across Sun's business groups to drive the company's continued data privacy excellence.

**Teresa M. Derichsweller** is the Assistant General Counsel of CNET Networks, Inc. She is responsible for all legal functions related to CNET's Games and Entertainment division.

**Emily Q. Freeman** is part of the Financial & Professional Lines Practice of JLTRisk Solutions Limited, specializing in Technology Professional Liability, Media Liability, Intellectual Property Infringement, and Cyber Risks.

**Robert V. Hale** serves as Vice President in the Legal and Public Policy group at Provident Financial Corporation. He also serves as an Adviser to the Cyberspace Law Committee of the State Bar of California, and as an Associate Editor at the Journal of Internet Law.

**Val D. Hornstein** is the founder of Hornstein Law Offices. He writes and speaks widely on issues of intellectual property and cyberspace law. He currently serves on the State Bar of California, Business Law Section, Cyberspace Law Committee.

**Tess Koleczek**, Chief Privacy Officer, E-LOAN, Inc., was one of the first privacy professionals in Silicon Valley. She regularly speaks on topics including financial privacy laws and outsourcing.

**Sue Krenak** is Director of Business and Legal Affairs for PC World Communications, Inc. Her practice encompasses transactions and counseling on a variety of issues faced by Internet and media companies.

**Michael S. Kwun** is Litigation Counsel at Google, Inc., and is primarily responsible for managing Google's intellectual property litigation matters.

**Matthew MacPhail** is Corporate Counsel for Yahoo! Inc. He advises the company on advertising matters relating to Yahoo!'s products and services, including its ever-expanding suite of subscription-based premium services.

**Joanne McNabb** is Chief of the California Office of Privacy Protection. She is also co-chair of the International Association of Privacy Professionals' Government Working Group and a member of the Privacy Advisory Committee to the U.S. Department of Homeland Security.

**Denis T. Rice**, a founding member, Howard Rice Nemerovski Canady Falk & Rabkin, PC, practices in a broad range of legal areas, and has been listed in Best Lawyers in

America as a corporate lawyer, business litigator and, most recently, as a cyberlawyer.

**Joel Riff** is a partner at GCA Law Partners LLP, where his practice focuses on technology transactions and online commerce. He is active with both the Licensing Executives Society and the Intellectual Property Society in the Bay Area.

**Lisa Rosenthal** is an attorney at the Federal Trade Commission. She currently works in the Western Region-San Francisco office, where she focuses on both consumer protection and antitrust enforcement in the high-tech sector.

**Andrew B. Serwin** is a partner with Foley & Lardner LLP. He is a member of the General Commercial Litigation and e-Business and Information Technology Practice Groups, as well as the Media Law and Life Sciences Industry Teams.

**Katherine C. Spelman** is a member of Cobalt LLP. She is experienced in copyright, media, licensing, and trademark issues, and provides advice on the development, production, sale, and defense of non-patent intellectual property. She is also listed in The Best Lawyers in America.

**Suzanne Toller** is a partner at Davis Wright Tremaine LLP. Previously, she was Vice President-External Affairs for AT&T Wireless, where she was responsible for the company's state regulatory work on a nationwide basis.

**Mark Webber**, of Osborne Clarke, is a Solicitor of the Supreme Court of England and Wales. He advises on commercial matters in the technology, licensing and privacy fields.

**Barry N. Young** has practiced intellectual property law since 1975. He has extensive experience in the acquisition, utilization and enforcement of IP, including strategic IP counseling, patent opinions and analysis, patent prosecution, licensing, and IP litigation.

**Maureen A. Young** is counsel with Bingham McCutchen LLP. Her practice focuses on corporate matters involving financial institutions, including regulatory and compliance matters, enforcement issues, regulatory filings, and legislative advocacy.

**October 6 & 7, 2005**

San Francisco, California

**Holiday Inn Golden Gateway**

1500 Van Ness Avenue  
(415) 441-4000

### Who Should Attend:

*Attorneys and all Business Executives Involved in Online Business and Advertising*

### This Conference Addresses:

- *Recent Developments in the Foundational Structures for Business on the Internet*
- *Issues in Access to Customers and Consumer Privacy*
- *The Evolving Role of Federal and State Agencies in Online Advertising*
- *Managing Information Security Risks in E-Commerce*
- *SPAM Compliance Issues*
- *Tips for Avoiding Accidental Involvement with Theft and Fraud*
- *Patent, Trademark and Copyright Issues*

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